

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 DAYS INNS WORLDWIDE, INC., a :
 Delaware Corporation, formerly :
 known as Days Inns of America, Inc., :
 Plaintiff, :
 :
 - against - :
 :
 JBS INC., II, a South Carolina :
 Corporation; JONATHAN B. SMITH, :
 an individual; and MARCI SINGLETON :
 SMITH, an individual, :
 Defendants. :
 -----X

08 CIV 0027 (VM)

ORDER	:
USDS SDNY	
DOCUMENT	
ELECTRONICALLY FILED	
DOC #:	<u>1-9-08</u>
DATE FILED:	<u>1-9-08</u>

VICTOR MARRERO, United States District Judge.

In reviewing the Complaint filed in this matter the Court has noted that plaintiff Days Inns Worldwide, Inc. ("Days Inns") asserts that it is a Delaware corporation organized with its principal place of business in Parsippany, New Jersey; defendant JBS, Inc. ("JBS") is a South Carolina corporation with a principal place business in Myrtle Beach, South Carolina; defendants Jonathan B. Smith and Marci Singleton Smith (the "Smiths") are principals of JBS and citizens of South Carolina. The complaint indicates that the events that gave rise to the action occurred in connection with a License Agreement (the "Agreement") for the operation by JBS of a guest lodging facility located in Myrtle Beach, South Carolina, and a Guaranty by the Smiths of the obligations under the Agreement. It therefore appears that in whole or in major part the material events, documents, persons and potential witnesses related to this action are located in the District of South Carolina. Accordingly,

it is hereby

ORDERED that to aid the Court's assessment of whether, for the convenience to the parties and witnesses, in the interest of justice and sound judicial administration, venue for this matter more properly lies in the District of South Carolina, the Court directs Days Inns Worldwide ("Days Inn") Plaintiff to respond by January 11, 2008, in a letter to the Court not to exceed three (3) pages, showing cause why this matter should not be transferred to the District of South Carolina pursuant to 28 U.S.C. § 1404(a); and it is further hereby

ORDERED that Days Inns serve a copy of this Order on defendants JBS Inc. And Jonathan B. Smith and Marci Singleton Smith, through counsel if known, and that defendants may respond by letter not to exceed three (3) pages submitted to the Court by January 15, 2008.

SO ORDERED.

DATED: NEW YORK, NEW YORK
9 January 2008



Victor Marrero
U.S.D.J.